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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

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8 KMI ZEOLITE, INC. et al.,

9 Plaintiff(s),

10 v.

11 UNITED STATES DEPARTMENT OF THE  
12 INTERIOR, et al.,

13 Defendant(s).

Case No. 2:15-CV-2038 JCM (NJK)

ORDER

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15 Presently before the court is the matter of *KMI Zeolite, Inc. v. United States Department of*  
16 *the Interior, et al.*, case number 2:15-cv-02038-JCM-NJK.

17 The instant action was stayed on May 8, 2019, pending the performance of the settlement  
18 agreement. (ECF No. 174). Then, on June 26, 2019, the court adopted Magistrate Judge Koppe's  
19 report and recommendation, granted Nye County's motion to enforce settlement, and dismissed  
20 defendant Nye County with prejudice. (ECF No. 175).

21 With no action in this case being taken for eight months, the court ordered the parties to  
22 file a motion or status report. (ECF No. 176). The parties filed a joint status report, representing  
23 that performance of their settlement agreement is ongoing. (ECF No. 177). In particular, the  
24 parties indicate that "[t]he following provisions of the Settlement Agreement remain to be  
25 performed:"

26 • The BLM is to appraise the parcels, determine a selling price, and  
27 issue a decision advising whether it will enter into a sale of the  
parcels at that price (Sec. 2.b.(i))

28 • RAMM shall transmit electronic payment of the price to the BLM  
within 7 calendar days of the final BLM decision, or in the case of

1 an appeal within 7 calendar days of the BLM decision becoming  
2 effective (Sec. 2.b.(ii))

- 3 • The BLM is to issue a patent to RAMM for the parcels (Sec.  
4 2.b.(iii))

5 *Id.* at 5. Thus, “the [p]arties request that the [c]ourt continue to keep these consolidated cases  
6 pending, as administratively stayed matters, to provide the time necessary for either the purchase  
7 to close, or the [s]ettlement [a]greement to become null and void.”<sup>1</sup> *Id.*

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that this action shall remain  
10 administratively stayed until 5:00 p.m. on Friday, August 28, 2020, pending the parties’  
11 performance of the settlement agreement.

12 IT IS FURTHER ORDERED that, if the settlement is not fully performed, the parties shall  
13 file a motion requesting a continuance of the administrative stay and explaining the status of the  
14 sale before 5:00 p.m. on Friday, August 28, 2020.

15 IT IS FURTHER ORDERED that the parties shall file a motion to lift the stay and a notice  
16 of dismissal within 14 days of performance of the settlement agreement.

17 DATED February 27, 2020.

18   
UNITED STATES DISTRICT JUDGE

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28 <sup>1</sup> The settlement agreement becomes null and void if the sale does not occur. (ECF No.  
177 at 4).